

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

HOWARD MCDONALD, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 5:16-cv-09952

JIM JUSTICE, et al.,

Defendants.

**ORDER**

The Court has reviewed the Plaintiffs' *Motion to Dismiss* (Document 23). The Plaintiffs state that the original *pro se* plaintiff representing the potential class has now obtained counsel, and that this action is identical to a claim addressed by the class action mediation agreement entered into by Dynamic Energy and Mechel Bluestone currently pending approval before this Court. Thus, the Plaintiffs assert that this separate claim should be dismissed.

After careful consideration, and having found good cause shown, the Court **ORDERS** that the *Motion to Dismiss* (Document 23) be **GRANTED**. Because the Plaintiffs have presented this motion through counsel, the Court also **ORDERS** that the referral of this matter to Magistrate Judge Omar J. Aboulhosn be **WITHDRAWN** and that this action be **DISMISSED WITHOUT PREJUDICE** and **STRICKEN** from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Omar J. Aboulhosn, to counsel of record, and to any unrepresented party.

ENTER: February 17, 2016



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA